

FILED  
Clerk  
District Court

DEC - 3 2007

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

JOHN S. PANGELINAN,	)	Civil No. 07-0027
	)	Criminal No. 06-00012
Plaintiff	)	
v.	)	ORDER DISMISSING
	)	SECOND 28 U.S.C. § 2255
	)	MOTION and DENYING
UNITED STATES OF AMERICA,	)	CERTIFICATE OF
	)	APPEALABILITY
Defendant	)	
_____	)	

THE COURT has before it plaintiff's "Motion and Request for Disposition of Plaintiff's (Second) 28 U.S.C. § 2255 Motion Filed on October 25, 2007," received and filed in this court on November 23, 2007.

On August 22, 2007, the court received plaintiff's pro se 28 U.S.C. § 2255 motion. On September 6, 2007, the court denied the motion, *without* deeming it

1 to be plaintiff's first § 2255 petition. On September 25, 2007, the court received  
2 plaintiff's motion for reconsideration, which the court denied on October 11, 2007.  
3  
4 On October 25, 2007, the court received plaintiff's petition for a writ of coram nobis,  
5 declaratory judgment, and for 28 U.S.C. § 2255 relief. On October 29, 2007, the  
6 court denied the motion as moot, finding that plaintiff was no longer "in custody" for  
7 purposes of 28 U.S.C. § 2255. On November 13, 2007, plaintiff filed a notice of  
8 appeal of the court's October 29, 2007, order denying his first petition for 28 U.S.C. §  
9 2255 relief.  
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12 In the interests of conserving the resources of the court and the parties, the  
13 court rules as follows:

14 The court deemed plaintiff's October 25, 2007, 28 U.S.C. § 2255 petition to be  
15 his first petition and denied it as moot for the reasons stated in the court's order.  
16 Pursuant to 28 U.S.C. § 2244(b)(3)(A) and 28 U.S.C. § 2255, plaintiff must now  
17 petition the U.S. Court of Appeals for the Ninth Circuit before he may file a second  
18 or successive petition in this court. Accordingly, to assist plaintiff in bringing this  
19 matter to the Ninth Circuit as quickly as possible,  
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21  
22 IT IS ORDERED:

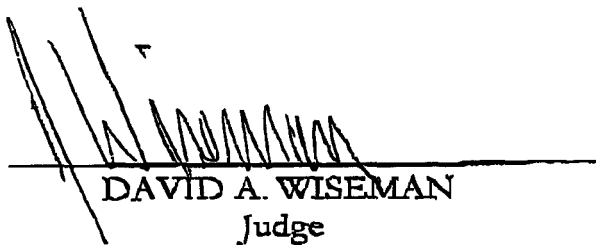
23  
24 1. That plaintiff's second 28 U.S.C. § 2255 motion, filed November 23, 2007,  
25 is dismissed for plaintiff's failure to first petition the U.S. Court of Appeals for the  
26 Ninth Circuit for permission to file it in this court; and,

1 2. Collectively construing petitioner's post-October 25, 2007, filings as a  
2 motion for a certificate of appealability from this court, that motion is denied because  
3 plaintiff has failed to meet the requirements of the final paragraph of 28 U.S.C. §  
4 2255; and,  
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6 3. The court will accept no further filings in this matter unless and until  
7 directed to do so by the Ninth Circuit. Any filings received from plaintiff will be  
8 returned to him unfiled.  
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10 DATED this 3rd day of December, 2007.  
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DAVID A. WISEMAN  
Judge